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KOERNER & OLENDER, P.C.

Attorneys at Law
5809 Nicholson Lane, Suite 124
North Bethesda, Maryland 20852-5706

Tel. (301) 468-3336
Fax (301) 468-3343
bkofclaw@erols.com

Robert L. Olender *
James A. Koerner

Of Counsel
Robert Bennett Lubic*

July 2, 2004

*not admitted in MD

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

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JUL - 2 2004

Re: MB Docket No. 04-162
RM-10959

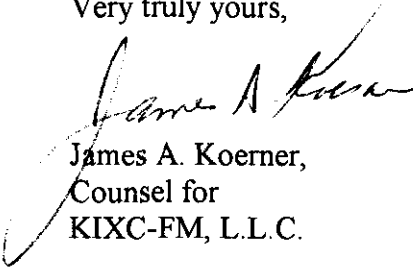
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Dortch:

On behalf of KIXC-FM, L.L.C., there are transmitted herewith an original and four (4) copies of its Reply Comments in the above-referenced proceeding.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner,
Counsel for
KIXC-FM, L.L.C.

Cc: Fred Morton

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Before the
Federal Communications Commission
Washington, D.C. 20554

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JUL - 2 2004

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Quanah and Iowa Park, Texas

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MB Docket No. 04-162
RM-10959

REPLY COMMENTS

KIXC-FM, L.L.C., licensee of Radio Station KIXC(FM), Quanah, Texas, and proponent in the above-referenced proceeding ("KIXC"), by its attorneys, hereby replies to the Comments filed in this proceeding by Big D Broadcasting, LLC ("Big D").

In its Petition for Rulemaking, KIXC noted that its proposal to have Channel 262C2 reallocated from Quanah, Texas to Iowa Park, Texas as Channel 262C3 would not leave Quanah without service since Station KVDL(AM) is licensed to Quanah, and there is a rulemaking proceeding looking to the allotment of Channel 233C3 to Quanah.

The Big D Comments point out that Big D filed an application seeking to change city of license of Station KVDL(AM) from Quanah, Texas to Layton, Utah. Big D further cites *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990) for

the proposition that an AM station's request for change of city of license should be preferred over an FM station's request.

All things being equal, Big D's proposition would be true. However, in this instance, all things are not equal. The KVDL(AM) application has not yet been accepted for filing. Assuming that it is acceptable, it may be mutually-exclusive with one or more other applications filed during the same filing window. If it is mutually-exclusive, that may have to be decided on Section 307(b) grounds. Since Layton, Utah is part of the Ogden-Layton Urbanized Area, the Commission would have to determine whether the KVDL(AM) application is realistically one to serve Ogden or nearby Salt Lake City, rather than providing a first service to an independent community.¹

The Commission cannot ignore the requirement of Section 307(b) to provide for the fair, efficient and equitable distribution of radio service. Thus, apart from the possible Section 307(b) comparison of the KVDL(AM) application with any other mutually-exclusive AM application, the Commission must determine whether an additional radio service to the Ogden-Layton Urbanized Area is preferred over a second service to Iowa Park, Texas.

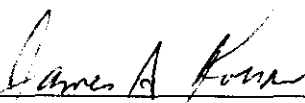
As noted in the Notice of Proposed Rule Making, there is a pending rulemaking to add Channel 233C3 to Quanah. In addition, there is another pending rulemaking to add Channel 255C3 to Quanah. Thus, there are proposals for two additional FM stations for this community. Quanah would not be left without any service regardless of the disposition of the KVDL(AM) application.

¹ See *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

Accordingly, KIXC urges the Commission to proceed with the reallocation of Channel 265, and modification of the KIXC(FM) license as proposed. California, and modify the license of Station KHGQ accordingly.

Respectfully submitted,

KIXC-FM, L.L.C.

By: 
James A. Koerner
Its Attorney

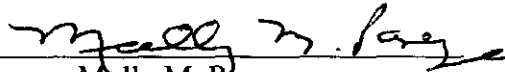
July 2, 2004

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Suite 124
North Bethesda, MD 20852-5706
(301) 468-3336

CERTIFICATE OF SERVICE

I, Molly M. Parezo, a secretary in the law offices of Koerner & Olender, P.C., do hereby certify that a copy of the foregoing **"Reply Comments"** was served this 2nd day of July, 2004, via first class mail, postage prepaid upon the following:

Mark N. Lipp, Esq.
Scott Woodworth, Esq.
Vinson & Elkins LLP
1455 Pennsylvania Avenue, N.W.
Suite 600
Washington, D.C. 20004


Molly M. Parezo